

DEPARTMENT OF BUILDING AND DEVELOPMENT

PLANNING COMMISSION WORKSESSION

TO: Loudoun County Planning Commission

FROM: Michelle Lohr, Planner, Zoning Administration

DATE: March 9, 2011

RE: ZOAM 2010-0004 Zoning Ordinance Amendment
Large Retail Establishments

I. SUMMARY

Planning Commission Public Hearing. The Planning Commission held a public hearing on February 23, 2011 at which 5 speakers commented regarding the proposed amendments.

The Commissioners discussed the general intent of the Zoning Ordinance Amendment as well as the specifics of the proposed Additional Regulations for Large Retail Establishments (Section 5-661) and the need for clarification of some of the proposed regulations. Further discussed were the applicability of the proposed standards in a large retail shopping center, the concern of potential unintended consequences, the possibility of an administrative review rather than a legislative review of large retail establishments, and further input from the Department of Economic Development and stakeholders during the review of the amendments.

The Planning Commission voted 7-2 (Bayless, Keirce opposed) to send the application to a future worksession for further discussion.

Board of Supervisors Public Hearing. The Board of Supervisors held a public hearing on March 7, 2011 at which five speakers commented on the amendments.

The Board voted 7-2 to send the application to the April 4-5, 2011 Business Meeting for possible action, depending on receipt of a recommendation from the Planning Commission.

II. PROPOSED AMENDMENTS/WORKSESSION DISCUSSION

Attachment 2 includes the proposed text that was advertised for the Planning Commission Public Hearing with proposed staff amendments in blue that reflect minor editorial changes. During the March 16, 2011 worksession, the Planning Commission may desire to discuss the proposed Zoning Ordinance Amendments using the draft language in II.A and II.B below:

- A. **Planning Commission Public Hearing Discussion.** At the Planning Commission Public Hearing discussion a number of issues were raised. Planning Commissioners discussed Sections 5-661(B)(3), (6), and (7) and Section 5-661(F)(2) in particular. The Planning Commission may desire to discuss modifications to the proposed Additional Regulations for Large Retail Establishments as reproduced below. The particular sections discussed at the public hearing are in blue and bold ink below.

5-661 Large Retail Sales Establishment or Large Construction Retail Establishment. A Retail sales establishment or Construction retail establishment in excess of 75,000 sq. ft. shall be permitted only by special exception pursuant to Section 6-1300 and are subject to the additional provisions below.

(A) **Locational Criteria.**

- (1) The use may be located within a freestanding building or be part of a shopping center, may share parking areas and vehicular travel ways with other buildings or uses and may be connected by walkways and access ways to other buildings or uses.
- (2) The use shall be located on, or with ready access to, collector or arterial roads.

(B) **Site Development Criteria.**

- (1) The use shall be compatible with and not adversely impact the surrounding area, particularly with regard to scale, massing, building design, traffic circulation, parking, and buffering.
- (2) Architectural detailing shall be incorporated into all facades so as to avoid a blank or monotonous appearance on any façade. Such detailing may include variations in roof lines, variations in building setbacks, landscaping and enhancements to all sides of a building.
- (3) **The building shall be oriented toward the street with pedestrian entrances from the street.**
- (4) Pedestrian and bicycle circulation shall be designed to coordinate on-site and off-site circulation.
- (5) Loading areas shall be sited in such a way so as to minimize the impact on any surrounding neighborhood and shall not be visible from the street.
- (6) **All business, service, storage, and display of goods shall be conducted within a completely enclosed building, and all refuse shall be contained in completely enclosed facilities.**

(7) Outdoor seating, service, storage and display that is clearly subordinate to the principal use may be permitted provided the area is indicated on the special exception plat. Service, storage and display areas in excess of 250 square feet shall be fully screened using structures and material and design elements compatible with those used in the principal structure. Screening methods shall include solid fences, walls, berms, evergreen hedges or a combination thereof.

(C) Exterior Lighting Standards. Outdoor lighting shall be designed to minimize impacts on adjacent properties and shall comply with the standards of Section 5-1504.

(D) Noise Standards. The use shall be designed to minimize noise from impacting on adjacent properties and shall comply with the standards of Section 5-1507.

(E) Landscaping/Buffering/Screening. The use shall comply with the buffering standards of Section 5-1400. If an adjacent property is zoned for or developed as residential use, a minimum of a fifty (50) foot Type 3 buffer shall be required at the property line.

(F) Parking.

(1) Parking and loading shall be provided as required by Section 5-1102.

(2) Parking shall be located behind the front line of the principal building.

B. Other Recommended Text. The Planning Commission received an e-mail from Jeffrey Nein of Cooley LLP suggesting changes to the proposed Zoning Ordinance Amendment text for ZOAM 2010-0004 that he has identified as Option 1 and Option 2. Staff has the following comments regarding Mr. Nein's proposed language:

1. Option 1. It is staff's understanding that Mr. Nein's "Option 1" suggests language to Section 5-661 to clarify that a special exception would not apply to retail establishments in excess of 75,000 sq. ft. that are subject to a proffered rezoning/zoning concept plan amendment with design guidelines or architectural standards and that the Additional Regulations of Section 5-661 would not apply in those instances. The following is the language proposed with staff editing the reference to non-conforming use.

5-661 Large Retail Sales Establishment or Large Construction Retail Establishment. A Retail sales establishment or Construction retail establishment in excess of 75,000 sq. ft. shall be permitted only by special exception pursuant to Section 6-1300 and are subject to the additional provisions below. Notwithstanding the foregoing, a Retail sales establishment or Construction retail establishment in excess of

75,000 sq. ft. that is subject to a proffered rezoning/zoning concept plan amendment with design guidelines or architectural standards shall not be subject to the special exception requirement and additional provisions of this Section 5-661, shall not be considered a non-conforming use due to this Section 5-661, and shall be permitted to operate and expand in accordance with the zoning regulations that otherwise pertain to such establishment.

2. **Option 2.** The amendments proposed with Mr. Nein's Option 2 are crafted so that Retail sales establishments, Retail, construction establishment, and Food store PD-CC(SC) and PD-CC(RC) zoning districts, are not restricted in size, do not require a special exception and are not subject to the proposed Additional Regulations of Section 5-661. If the Planning Commission agrees with the aforementioned, the following amendments proposed by Mr. Nein can be incorporated into the draft.

- A. Revise the proposed zoning districts permitted use references for Retail sales establishments, Retail, construction establishment, and Food store to "75,000 sq. ft. maximum" and special exception use references to "not to exceed 75,000 sq. ft., pursuant to Section 5-661" in the RC, PD-CC(CC), PD-MUB, PD-TC, PD-TREC, PD-TRC zoning districts.
- B. Clarify that Retail sales establishments, Retail, construction establishment, and Food store are permitted with no size maximum in the PD-CC(SC) and PD-CC(RC) zoning districts.
- C. Amend Section 5-661 as follows:

5-661 Large Retail Sales Establishment or Large Construction Retail Establishment. ~~A Retail sales establishment or Construction retail establishment in excess of 75,000 sq. ft. shall be permitted only by special exception pursuant to Section 6-1300 and are subject to the additional provisions below. Where identified as a special exception use for individual zoning districts, these uses are subject to the additional provisions below.~~

- D. Revise Article 8, Definitions as follows:

Food Store: A retail establishment primarily selling food, as well as other convenience and household goods. ~~A Food Store in excess of 75,000 square feet shall require Special Exception approval.~~

Retail, Construction Establishment: Buildings or land used for sale of construction materials at retail or for the rendering of construction services including, but not limited to, coal, wood, and lumber yards. ~~A Construction retail establishment in excess of 75,000 square feet shall require Special Exception approval.~~

Retail, Construction Establishment (Large): ~~A Construction retail establishment in excess of 75,000 square feet and subject to Additional Regulations specified in Section 5-600.~~

Retail Sales Establishment: Buildings or land used for sale of merchandise at retail or for the rendering of personal services including, but not limited to, the following: pharmacy, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique store and gift shop, hardware store, quick print shop, household appliance store, furniture store, florist, music and radio store; but specifically excluding coal, wood and lumber yards. A Retail sales establishment in excess of 75,000 square feet shall require Special Exception approval.

Retail Sales Establishment (Large): A Retail sales establishment in excess of 75,000 square feet and subject to Additional Regulations specified in Section 5 600.

Staff will be prepared to discuss the proposed text amendments at the worksession.

III. SUGGESTED MOTIONS:

1. I move that the Planning Commission forward ZOAM 2010-0004, Large Retail Establishments, to amend certain Sections of the Revised 1993 Loudoun County Zoning Ordinance in regard to certain retail sales uses in excess of 75,000 square feet, as contained in Attachment 2, Pages A3-A30 to the Board of Supervisors with a recommendation of approval.

OR

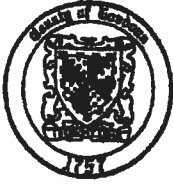
2. I move that the Planning Commission forward ZOAM 2010-0004, Large Retail Establishments, to amend certain Sections of the Revised 1993 Loudoun County Zoning Ordinance in regard to certain retail sales uses in excess of 75,000 square feet, as contained in Attachment 2, Pages A3-A30 as amended by the Planning Commission on March 16, 2011 to the Board of Supervisors with a recommendation of approval.

OR

3. I move that the Planning Commission forward ZOAM 2010-0004, Large Retail Establishments, to amend certain Sections of the Revised 1993 Loudoun County Zoning Ordinance in regard to certain retail sales uses in excess of 75,000 square feet, as contained in Attachment 2, Pages A3-A30 to the Board of Supervisors with a recommendation of denial.

IV. ATTACHMENTS

Number	Description	Page
1.	Copy Teste and Resolution of Intent to Amend the Zoning Ordinance, September 1, 2009.	A1-A2
2.	Proposed Zoning Ordinance Amendments with Staff Revisions Revised through January 14, 2011.	A3-A30



Loudoun County, Virginia

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Office of the County Administrator

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At a business meeting of the Board of Supervisors of Loudoun County, Virginia, held in the County Government Center, Board of Supervisors' Meeting Room, 1 Harrison St., S.E., Leesburg, Virginia, on Tuesday, September 1, 2009 at 9:00 a.m.


IN RE: RESOLUTION OF INTENT TO AMEND THE REVISED 1993 ZONING ORDINANCE AS NECESSARY, TO REQUIRE SPECIAL EXCEPTION APPROVAL FOR LARGE RETAIL ESTABLISHMENTS

Mr. Miller moved that the Board of Supervisors adopt the Resolution of Intent to Amend the Revised 1993 Zoning Ordinance, as necessary, as contained in Attachment 1A, to implement new regulations to require special exception approval for large retail establishments.

Seconded by Mrs. Burk.

Voting on the Motion: Supervisors Buckley, Burk, Burton, Kurtz, McGimsey, Miller and York – Yes; Supervisors Delgaudio and Waters – No.

A COPY TESTE:


DEPUTY CLERK FOR THE LOUDOUN
COUNTY BOARD OF SUPERVISORS

(11- Resolution of Intent to Amend the Revised 1993 Ordinance, as Necessary to Require Special Exception Approval for Large Retail Establishments)

Date: September 1, 2009

**BOARD OF SUPERVISORS OF LOUDOUN COUNTY
RESOLUTION OF INTENT TO AMEND THE ZONING ORDINANCE**

WHEREAS, the Board of Supervisors wishes to initiate amendments to the Revised 1993 Loudoun County Zoning Ordinance in furtherance of the purposes of zoning as set out in § 15.2-2283 of the Code of Virginia and to further implement the comprehensive plan; and

WHEREAS, the Board of Supervisors wish to initiate amendments to the Revised 1993 Loudoun County Zoning Ordinance to manage the size of Large Retail Establishments through the special exception process in order to support local businesses, reduce traffic impacts, and minimize the monotony of single occupancy big box stores; and

WHEREAS, the Board of Supervisors wishes to initiate a change to the Revised 1993 Loudoun County Zoning Ordinance to add "Large Retail Establishments" as a Special Exception use in the Planned Development Commercial Center -Community Center (PD-CC-CC), Planned Development Commercial Center – Small Regional Center (PD-CC-SC), Planned Development Commercial Center – Regional Center (PD-CC-RC), Planned Development Town Center (PD-TC), Planned Development Transit Related Employment Center (PD-TREC), Planned Development Transit Related Center (PD-TRC), Planned Development Mixed Use Development (PD-MUD) *and other districts as described below; and*

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors states its intention to amend the Revised 1993 Loudoun County Zoning Ordinance to adopt new or revised provisions on the following matters:

- 1. Revise Sections 2-903, 4-203(B)(C)(D), 4-204(B)(C)(D), 4-803, 4-804, 4-1004, 4-1005, 4-1104, 4-1105, 4-1353 and 4-1354 to distinguish between retail and large retail establishments.**
- 2. Revise Section 5-600 to add additional regulations for "Large Retail Establishment."**
- 3. Revise and/or add definitions to Article 8 as necessary to define terminology used in the proposed amendments.**
- 4. Revise other Sections to clearly establish that any retail establishment of greater than 75,000 square feet will require a special exception in any district that allows retail uses, regardless of existing individual district regulations that may be more restrictive.**
- 5. Revise other Sections as necessary to implement and maintain consistency with the foregoing amendments.**

A2

Section 2-900

RC Rural Commercial District.

2-903

Permitted Uses. The following uses are permitted in this district:

- (A) Agriculture, horticulture, forestry or fishery, pursuant to Section 5-626.
- (B) Art gallery.
- (C) Business service establishment
- (D) Community center.
- (E) Convenience food store, without gas pumps, pursuant to Section 5-617.
- (F) Farm market, pursuant to Section 5-603.
- (G) Farm machinery sales and service, pursuant to Section 5-615.
- (H) Nursery, commercial, pursuant to Section 5-605.
- (I) Personal service establishment.
- (J) Post office, drop off and pick up.
- (K) Public utility service center, without outdoor storage.
- (L) Recycling collection center, small, pursuant to Section 5-607.
- (M) Restaurant, including carry out.
- (N) Residential uses.
- (O) Retail sales establishment, maximum 10,000 sq. ft.
- (P) Studio space - artist, crafts person, writer, etc.
- (Q) Bank or financial institution, pursuant to Section 5-659.
- (R) Theatre, indoor.
- (S) Home service establishment
- (T) Office, administrative, business, and professional.
- (U) Office, medical and dental.
- (V) Park.
- (W) Veterinary service
- (X) Wayside stand.

- (Y) Commuter parking lot.
- (Z) Facilities for lessons in dance, gymnastics, judo, and sports training.
- (AA) Utility substation, dedicated.
- (BB) Animal hospital.
- (CC) Church, synagogue, and temple.
- (DD) Dwelling, accessory to a permitted or special exception use.
- (EE) Farm supplies.
- (FF) Printing service.
- (GG) Water pumping station, pursuant to Section 5-621.
- (HH) Sewer pumping station, pursuant to Section 5-621.
- (II) Food store, maximum 10,000 sq. ft.
- (JJ) Library.
- (KK) Telecommunications antenna, pursuant to Section 5-618(A).
- (LL) Telecommunications monopole, pursuant to Section 5-618(B)(1).
- (MM) Contractor's Service Establishment, limited to landscape contractors and lawn maintenance services.
- (NN) Mill, feed and grain.
- (OO) Training Facility, accessory to a permitted or special exception use.

2-904

Special Exception Uses. The following uses may be approved by the Board of Supervisors, and, if approved, may be subject to certain conditions, pursuant to the provisions in Section 6-1300.

- (A) Any one permitted use in excess of 10,000 sq. ft. in gross floor area provided that agricultural uses, mill, feed and grain, farm supplies, farm market, and farm machinery sales and service are not subject to this limit.
- (B) Auction facility, livestock
- (C) Automobile service station.
- (D) Funeral home or mortuary.

A4

- (E) Private club or lodge.
- (F) Motor vehicle sales and accessory service.
- (G) Hotel/Motel.
- (H) Motor vehicle service and repair, accessory to an approved use.
- (I) Gas pumps accessory to a convenience food store, pursuant to Section 5-617.
- (J) Recreation establishment, outdoor.
- (K) Fire and/or rescue station.
- (L) Mass transit facilities and stations.
- (M) Adult daycare center.
- (N) Child care center, pursuant to Section 5-609.
- (O) Recreation establishment, indoor.
- (P) Auction house.
- (Q) Sewage treatment plant, pursuant to Section 5-621.
- (R) Water treatment plant, pursuant to Section 5-621.
- (S) Water storage tank, pursuant to Section 5-621.
- (T) Crematorium, pursuant to Section 5-637.
- (U) School, private, accessory to a church.
- (V) Car wash, accessory to a convenience food store, pursuant to Section 5-617.
- (W) Telecommunications monopole, pursuant to Section 5-618(B)(2).
- (X) Telecommunications tower, pursuant to Section 5-618(C)(2).
- (Y) Police Station.
- (Z) Training Facility.

Section 4-200

PD-CC Planned Development - Commercial Center.

4-203

Permitted Uses. The following uses shall be permitted in each type of shopping center subject to the requirements and limitations of these regulations.

(A) Neighborhood Center.

- (1) Adult day care center.
- (2) Bank or financial institution, pursuant to Section 5-659.
- (3) Child care center, pursuant to Section 5-609.
- (4) Convenience food store without gas pumps, pursuant to Section 5-617.
- (5) Personal service establishment.
- (6) Pharmacy, pursuant to Section 5-659.
- (7) Recycling drop-off collection center, small, pursuant to 5-607(A).
- (8) Restaurant.
- (9) Community center.
- (10) Office, administrative, business, professional, medical and dental, not to exceed 20% of the gross floor area of the neighborhood center.
- (11) Agriculture, horticulture, forestry, and fishery.
- (12) Art gallery.
- (13) Business service establishment.
- (14) Commuter parking lot.
- (15) Facility for lessons in dance, gymnastics, judo, and sports training.
- (16) Food store.
- (17) Health and fitness center.
- (18) Home service establishment.
- (19) Medical care facility, outpatient only.
- (20) Park.

AL6

- (21) Post office, drop off and pick up.
- (22) Restaurant, carry-out only.
- (23) Retail sales establishment.
- (24) Studio space - artist, crafts person, writer, etc.
- (25) Utility substation, dedicated.
- (26) Water pumping station.
- (27) Printing service.
- (28) Sewage pumping station.
- (29) Construction retail establishment.
- (30) Telecommunications antenna, pursuant to Section 5-618(A).
- (31) Training Facility, accessory to a permitted or special exception use.
- (32) Interactive Science & Technology Center.

(B) Community Center.

- (1) All uses permitted in a Neighborhood Center, excluding: the following:
 - (a) Construction retail establishment.
- (2) Theater, indoor.
- (3) Bowling alley.
- (4) Library.
- (5) Recreation establishment, indoor.
- (6) Restaurant, dinner theatre.
- (7) Private club or lodge.
- (8) Public utility service center, without outdoor storage.
- (9) Radio and television recording studio.
- (10) Food store, maximum 75,000 sq. ft., pursuant to Section 5-661.

(11) Retail sales establishment, maximum 75,000 sq. ft. pursuant to Section 5-661.

(C) Small Regional Center.

- (1) All uses permitted in a Neighborhood or Community Center, including a Construction retail establishment maximum 75,000 sq. ft.
- (2) Motor vehicle sales and accessory service.
- (3) Car Wash.
- (4) Motor vehicle service and repair, light.
- (5) Restaurant, with drive-through facility.
- (6) Restaurant, carry-out only.
- (7) Motorcycle or ATV sales, rental, repair and associated service.
- (8) Training Facility

(D) Regional Center.

- (1) Office, administrative, business and professional, medical and dental, but not to exceed twenty percent (20%) of the gross floor area of the regional center.
- (2) All uses permitted in a Neighborhood or Community Center, including a Construction retail establishment maximum 75,000 sq. ft., but excluding the following:
 - (a) Home service establishment.
- (3) Motor vehicle service and repair, light.
- (4) Car wash.
- (5) Restaurant, with drive-through facility.
- (6) Restaurant, carry out only.
- (7) Training Facility.

4-204

Special Exception Uses. The following uses may be permitted by the Board of Supervisors, and if approved, may be subject to certain conditions, pursuant to Section 6-1300.

(A) Neighborhood Center.

- (1) Any one permitted use in excess of 5,000 sq.ft. in gross floor area.
- (2) Any one permitted use which exceeds fifty percent (50%) of the gross floor area of the neighborhood center in which it is located.
- (3) Any compatible use which serves the immediate neighborhood and is not a use already listed for any district in the Zoning Ordinance.
- (4) Gas pumps accessory to a convenience food store, pursuant to Section 5-617.
- (5) Automotive service station.
- (6) Outdoor sales area, accessory.
- (7) Recreation establishment, indoor.
- (8) Fire and/or rescue station.
- (9) Mass transit facilities and stations.
- (10) Public utility service center, without outdoor storage.
- (11) Veterinary service.
- (12) Animal hospital or day care center for pets.
- (13) Water storage tank.
- (14) Water treatment plant.
- (15) Sewage treatment plant.
- (16) Crematorium.
- (17) Car wash, accessory to a convenience food store, pursuant to Section 5-617.
- (18) Police station.
- (19) Office, administrative, business, professional, medical and dental in excess of 20% of the gross floor areas of the neighborhood center
- (20) Training Facility.

(B) Community Center.

- (1) Any compatible use which serves the surrounding community and is not a use already listed for any district in the Zoning Ordinance.
- (2) Automobile service station.
- (3) Office, administrative, business, professional, medical and dental, in excess of twenty percent (20%) of the total floor space of the community center.
- (4) Gas pumps accessory to a convenience food store, pursuant to Section 5-617.
- (5) Telecommunications monopole, pursuant to Section 5-618(B)(2).
- (6) Outdoor sales area, accessory.
- (7) Fire and/or rescue station.
- (8) Mass transit facilities and stations.
- (9) Restaurant, with drive-through facilities.
- (10) Veterinary service.
- (11) Animal hospital.
- (12) Sewage treatment plant.
- (13) Water treatment plant.
- (14) Water storage tank.
- (15) Crematorium.
- (16) Construction retail establishment.
- (17) Telecommunications tower, pursuant to Section 5-618(C)(2).
- (18) Police station.
- (19) Training Facility.
- (20) Retail Sales Establishment, greater than in excess of 75,000 sq. ft., pursuant to Section 5-661.
- (21) Food store, greater than in excess of 75,000 sq. ft., pursuant to Section 5-661.

(C) **Small Regional Center.**

(1) Same as Community Center, excluding the following:

(a) Construction retail establishment maximum 75,000 sq. ft.

(2) Kennel, Indoor, pursuant to Section 5-606.

(3) Hotel/Motel, pursuant to Section 5-611.

(4) Motor vehicle rental, with outdoor storage only.

~~(5) Construction retail establishment, greater than in excess of 75,000 sq. ft.~~

(D) **Regional Center.**

(1) Same as Small Regional Center.

AI

Section 4-800

PD-TC Planned Development - Town Center.

4-803

Permitted Uses.

- (A) The following uses are permitted within the Town Center Core.
- (1) Art gallery.
 - (2) Theater, indoor.
 - (3) Bank or financial institution, pursuant to Section 5-659.
 - (4) Business service establishment.
 - (5) Child care center, pursuant to Section 5-609(B).
 - (6) Community center.
 - (7) Conference or training center.
 - (8) Congregate housing facility.
 - (9) Restaurant, dinner theater.
 - (10) Dwellings above first floor of permitted commercial uses.
 - (11) Educational institution.
 - (12) Facility for dance, gymnastics, judo and sports training.
 - (13) Health and fitness center.
 - (14) Hotel/Motel, pursuant to Section 5-611.
 - (15) Library.
 - (16) Office, medical and dental.
 - (17) Dwelling, multi-family.
 - (18) Commuter parking lot.
 - (19) Performance arts center.
 - (20) Personal service establishment.
 - (21) Post office, drop off and pick up.
 - (22) Park.

- (23) Recycling drop-off collection center, small, pursuant to Section 5-607 (A).
 - (24) Restaurant.
 - (25) Retail sales establishment maximum 75,000 sq. ft.
 - (26) Recreational establishment, outdoor or indoor.
 - (27) Convenience food store, without gas pumps, pursuant to Section 5-617.
 - (28) Radio and television recording studio.
 - (29) Pharmacy maximum 75,000 sq. ft., pursuant to Section 5-659.
 - (30) Printing service.
 - (31) Adult day care center.
 - (32) Agriculture, horticulture, forestry, or fishery.
 - (33) Dwelling, single-family attached.
 - (34) Food store maximum 75,000 sq. ft.
 - (35) Off-street parking facility, freestanding.
 - (36) Public utility service center, without outdoor storage.
 - (37) Restaurant, carry-out only.
 - (38) Restaurant, with drive through facilities.
 - (39) Studio space - artist, crafts person, writer.
 - (40) Office, administrative, business, and professional.
 - (41) Museum, cultural center, arboretum.
 - (42) Water pumping station.
 - (43) Utility substation, dedicated.
 - (44) Sewer pumping station
 - (45) Church, synagogue, and temple.
 - (46) Telecommunications antenna, pursuant to Section 5-618(A).
- (B) The following uses are permitted within the Town Center Fringe:

- (1) All uses permitted in the Town Center Core.
- (2) Bowling alley.
- (3) Motor vehicle service and repair, accessory to an approved use.
- (4) Skating rink, indoor and outdoor.
- (5) Dwelling, single family detached.
- (6) Private club or lodge.
- (7) Utility substation, distribution, pursuant to Section 5-616.
- (8) Construction retail establishment maximum 75,000 sq. ft.

4-804

Special Exception Uses. The following uses may be approved by the Board of Supervisors pursuant to the provision in Section 6-1300.

(A) Within the Town Center Core:

- (1) Hospital, pursuant to Section 5-610.
- (2) Radio, radar and/or television tower.
- (3) Telecommunications monopole, pursuant to Section 5-618(B)(2).
- (4) Recycling drop off collection center, large, pursuant to Section 5-607(B).
- (5) Fire and/or rescue station.
- (6) Mass transit facilities and stations.
- (7) Medical care facility, outpatient only.
- (8) Automotive service station.
- (9) School.
- (10) Veterinary service.
- (11) Animal hospital.
- (12) Private club or lodge.
- (13) Sewage treatment plant.
- (14) Water treatment plant.
- (15) Water storage tank.

- (16) Crematorium.
- (17) School, private, accessory to a church.
- (18) Telecommunications tower, pursuant to Section 5-618(C)(2).
- (19) Police station.
- (20) Hotel/Motel.
- (21) Food store, ~~greater than~~ in excess of 75,000 sq. ft., pursuant to Section 5-661.
- (22) Retail sales establishment, ~~greater than~~ in excess of 75,000 sq. ft., pursuant to Section 5-661.
- (23) Pharmacy, ~~greater than~~ in excess of 75,000 sq. ft., pursuant to Section 5-661.

(B) Within the Town Center Fringe:

- (1) Car wash.
- (2) Funeral home or mortuary.
- (3) Radio, radar and/or television tower.
- (4) School.
- (5) Utility substation, transmission, pursuant to Section 5-616.
- (6) Telecommunications monopole, pursuant to Section 5-618(B)(2).
- (7) Automotive service station.
- (8) Congregate housing facility.
- (9) Child care center, pursuant to Section 5-609.
- (10) Hospital, pursuant to Section 5-610.
- (11) Church, synagogue, and temple.
- (12) Gas pumps accessory to a convenience food store, pursuant to Section 5-617.
- (13) Fire and/or rescue station.
- (14) Golf course.
- (15) Mass transit facilities and stations.

- (16) Medical care facility, outpatient only.
- (17) Hotel/Motel.
- (18) Off-street parking facility, freestanding.
- (19) Restaurant, with drive-through facilities.
- (20) Veterinary service.
- (21) Animal hospital.
- (22) Water treatment plant.
- (23) Sewage treatment plant.
- (24) Water storage tank.
- (25) Crematorium.
- (26) School, private, accessory to a church.
- (27) Car wash, accessory to a convenience food store, pursuant to Section 5-617.
- (28) Telecommunications tower, pursuant to Section 5-618(C)(2).
- (29) Police station.
- (30) ~~Food Store, greater than in excess of 75,000 sq. ft., pursuant to Section 5-661.~~
- (31) ~~Pharmacy, greater than in excess of 75,000 sq. ft., pursuant to Section 5-661.~~
- (32) ~~Retail sales establishment, greater than in excess of 75,000 sq. ft., pursuant to Section 5-661.~~

Section 4-1000

PD-TREC Planned Development - Transit Related Employment Center.

4-1004

Permitted Uses.

- (A) The following uses are permitted within both the Inner Core and Outer Core subareas:
- (1) Animal hospital (7,500 sq. ft. or less), in a completely enclosed facility, but permitted only in the Outer Core subarea.
 - (2) Ambulatory retail or food/beverage vendors and mobile vending carts, pursuant to Section 4-1010(A).
 - (3) Art gallery.
 - (4) Auction House, pursuant to Section 4-1010(B).
 - (5) Automobile car sharing agency, with on-site automobile storage not to exceed 10 cars.
 - (6) Automobile rental agency, with on-site automobile storage not to exceed 10 cars.
 - (7) Bank or financial institution, excluding drive-through facilities.
 - (8) Business service establishment.
 - (9) Child care facilities, pursuant to Section 5-609, or adult day care center.
 - (10) Church, synagogue, and temple.
 - (11) Civic, social and fraternal association meeting place.
 - (12) College, university, 50,000 sq. ft. or less (exclusive of on-site student, faculty and/or employee housing facilities).
 - (13) Community center.
 - (14) Conference, or training center.
 - (15) Convenience food store, excluding drive-through facilities and accessory gas pumps.
 - (16) Convention or exhibition facility associated only with a hotel/motel, not exceeding the foot print of the hotel/motel and located above or below the first floor.
 - (17) Cultural amenities, e.g. fountains, ice rinks, reflecting pools.

- (18) Educational institution, less than 50,000 sq. ft.
- (19) Establishments for general research, scientific research, development and/or training where assembly, integration and testing of products in a completely enclosed building are incidental to the principal use of scientific research, development and training.
- (20) Facility for lessons in dance, gymnastics, judo and sports training (less than 5,000 square feet).
- (21) Fire, police and/or rescue station.
- (22) Health and fitness center.
- (23) Home service establishment.
- (24) Hotel/Motel, pursuant to Section 4-1010(C).
- (25) Library.
- (26) Medical care facility, outpatient only.
- (27) Museum, cultural center, arboretum.
- (28) Offices, administrative, business, and professional.
- (29) Off-street parking facilities, freestanding, in an above-ground or below-ground parking structure only.
- (30) Park, playground or plaza (public or private).
- (31) Performing arts center (10,000 sq. ft. or less).
- (32) Personal service establishment (5,000 sq. ft. of gross floor area or less), excluding drive-through facilities. Permitted dry cleaning personal service establishments shall be limited to drop-off/pick-up centers only.
- (33) Post office, drop-off and pick-up only.
- (34) Private club or lodge, less than 10,000 sq. ft.
- (35) Radio and television recording studio.
- (36) Recreation establishment, indoor, pursuant to Section 4-1010(D).
- (37) Repair service establishment (5,000 square feet of gross floor area or less), including repair of small household appliances, electronics, and similar scaled items, but not including vehicle or heavy equipment repair.

- (38) Restaurant, dine-in and carryout only, excluding drive-through facilities
- (39) Restaurant, dinner theatre
- (40) Restaurant, fast food, excluding drive-through facilities.
- (41) Retail sales establishment, excluding drive-through facilities. maximum 75,000 sq. ft. No retail sales establishment that is located in a freestanding, single-story building shall contain more than 15,000 square feet of gross floor area.
- (42) Sewer pumping station.
- (43) Studio space – artist, craftsperson, writer, etc.
- (44) Telecommunications antenna, pursuant to Section 5-618(A).
- (45) Theater, indoor.
- (46) Transportation and public transit facilities to include transit stations, bus shelters and bicycle parking facilities, but not including park and ride (commuter parking) facilities.
- (47) Water pumping station.

4-1005

Special Exception Uses. The following uses may be approved by the Board of Supervisors, and, if approved may be subject to certain conditions, pursuant to the provisions of Section 6-1300.

(A) The following uses are permitted by Special Exception in the Inner Core subarea:

- (1) Animal Hospital (7,500 sq. ft. or less) in a completely enclosed facility.
- (2) College, university, greater than 50,000 sq. ft. (exclusive of on-site student, faculty and/or employee housing facilities).
- (3) Educational Institution, greater than 50,000 sq. ft.
- (4) Funeral home or mortuary
- (5) Medical care facility, including hospital.
- (6) Performing arts center (greater than 10,000 sq. ft.)
- (7) Private club or lodge, greater than 10,000 sq. ft.
- (8) School, private, accessory to a church

- (9) School, public and private.
- (10) Telecommunications monopole, pursuant to Section 5-618(B)(2).
- (11) Transportation or transit facilities, limited to:
 - (a) Heliport or helistop.
 - (b) Dulles Toll Road Extended (DTRE) facilities.
- (12) Utility substation, dedicated.
- (13) Retail sales establishment, greater than in excess of 75,000 sq. ft., pursuant to Section 5-661.

(B) The following uses are permitted by Special Exception in the Outer Core subarea subject to the requirements and limitations of these regulations.

- (1) All uses permitted by Special Exception in the Inner Core subarea.
- (2) Food store (10,000 sq. ft. or greater).
- (3) Flex industrial space, pursuant to Section 5-608.
- (4) Light manufacture, processing, fabrication, and/or assembly of goods and products that does not generate noise, odor, vibration, or other hazard outside the boundaries of the subject property, pursuant to Section 4010(E). Such goods and products may include, but are not limited to: scientific and precision instruments; photographic equipment; communication or computation equipment; drugs, medicines, pharmaceutical; household appliances; toys, sporting and athletic goods; die-cut paperboard and cardboard; glass products made of purchased glass; electric lighting and wiring equipment; service industry machines; lithographic and printing processes; industrial controls; radio and TV receiving sets; watches and clocks; bags and containers; sanitary paper products; optical goods, and electrical machinery.
- (5) Off-street parking facility, freestanding, in a surface parking lot only.
- (6) Recycling drop-off collection center, small, pursuant to Section 5-607.
- (7) Stadiums and arenas.
- (8) Transportation or public transit facilities, limited to park and ride (commuter parking) facilities only.

Section 4-1100

PD-TRC-Transit Related Center

4-1104

Permitted Uses.

- (A) The following uses are permitted within the Inner Core subarea:
- (1) Art gallery.
 - (2) Auction House, pursuant to Section 4-1111(A).
 - (3) Automobile car sharing agency.
 - (4) Automobile rental agency, with on site automobile storage not to exceed 10 cars.
 - (5) Bank or financial institution, excluding drive-through facilities.
 - (6) Business service establishment.
 - (7) Child care facilities, pursuant to Section 5-609, or adult day care center.
 - (8) Church, synagogue, and temple.
 - (9) Civic, social and fraternal association meeting place.
 - (10) College, university, less than 50,000 sq. ft. (exclusive of on-site student, faculty, and/or employee housing facilities).
 - (11) Community center.
 - (12) Community Garden, not to exceed 20,000 square feet.
 - (13) Conference and training center.
 - (14) Congregate housing facility.
 - (15) Convenience Food Store.
 - (16) Convention or exhibition facility, associated only with a hotel/motel, not exceeding the floor print of the hotel/motel, and located above or below the first floor.
 - (17) Cultural amenities, e.g. fountains, ice rinks, reflecting pools.
 - (18) Dormitory, fraternity/sorority house, rooming/boarding house or other residence hall.
 - (19) Dwelling, above first floor commercial uses.

- (20) Dwelling, multi-family (minimum of 4 stories in height). A multi-family structure may be less than 4 stories in height if it is constructed between a parking structure and a street and effectively screens the parking structure from public view.
- (21) Educational Institution, less than 50,000 sq. ft.
- (22) Establishment for general research, scientific research, development and/or training where assembly, integration and testing of products in a completely enclosed building is incidental to the principal use of scientific research, development and training.
- (23) Facility for lessons in dance, gymnastics, judo and sports training (less than 5,000 square feet).
- (24) Fire, police and/or rescue station.
- (25) Health and fitness center.
- (26) Home service establishment.
- (27) Hotel/Motel, pursuant to Section 4-1111(B).
- (28) Library.
- (29) Off-street parking facility, freestanding (serving two or more lots).
- (30) Public transit facilities to include bus shelters and bicycle parking facilities.
- (31) Medical care facility, outpatient only.
- (32) Museum, cultural center, arboretum.
- (33) Offices, administrative, business, and professional.
- (34) Park, playground or plaza (public or private).
- (35) Performing arts center (10,000 sq. ft. or less).
- (36) Personal service establishment.
- (37) Post office, drop-off and pick-up only.
- (38) Private club or lodge, less than 10,000 sq. ft.
- (39) Radio and television recording studio.
- (40) Recreation establishment, indoor, pursuant to Section 4-1111(D).

- (41) Repair service establishment.
 - (42) Restaurant (dine-in and carryout only).
 - (43) Restaurant, dinner theatre.
 - (44) Restaurant, fast-food without drive-through facilities.
 - (45) Retail/Food and Beverage Sales – Ambulatory Vendors and Mobile Vending Carts, pursuant to Section 4-1111(E).
 - (46) Retail sales establishment maximum 75,000 sq. ft.
 - (47) Sewer pumping station.
 - (48) Studio space – artist, craftsperson, writer, etc.
 - (49) Telecommunications antenna, pursuant to Section 5-618(A)
 - (50) Theater, indoor.
 - (51) Water pumping station.
- (B) The following uses are permitted in the Outer Core subarea:
- (1) All uses permitted in the Inner Core subarea.
 - (2) Dwelling, Single Family Attached.
 - (3) Dwelling, Single Family Detached, pursuant to Section 4-1111(G).
- (C) The following uses are permitted in the Transit-Designed Supportive Area unless otherwise excluded through an approved Concept Development Plan:
- (1) All uses permitted in the Outer Core Subareas.
 - (2) Animal Hospital.
 - (3) Dwelling, multifamily (4 stories or less in height)
 - (4) Recycling drop-off collection center, pursuant to Section 5-607.
 - (5) Food store, (~~10,000 sq. ft. or less~~ greater maximum 75,000 sq. ft.)
 - (6) A single retail use may not exceed 10,000 sq. ft. in gross floor area.

4-1105

Special Exception Uses. The following uses may be approved by the Board of Supervisors, and, if approved may be subject to certain conditions, pursuant to the provisions of Section 6-1300.

(A) The following uses are permitted by Special Exception in the Inner Core subarea:

- (1) College, university, greater than 50,000 sq. ft.
- (2) Educational Institution, greater than 50,000 sq. ft.
- (3) Funeral home or mortuary.
- (4) Medical care facility, including hospital.
- (5) Performing arts center (greater than 10,000 sq. ft.).
- (6) Private club or lodge (greater than 10,000 sq. ft.).
- (7) School, private, accessory to a church.
- (8) School, public and private.
- (9) Telecommunications monopole, pursuant to Section 5-618(B)(2).
- (10) Transportation or transit facilities, limited to:
 - (a) Heliport or helistop.
 - (b) DTRE facilities.
- (11) Urban deck.
- (12) Utility substation, dedicated.
- (13) Retail sales establishment, greater than in excess of 75,000 sq. ft., pursuant to Section 5-661.

(B) The following uses are permitted by Special Exception in the Outer Core subarea subject to the requirements and limitations of these regulations:

- (1) All uses permitted by Special Exception in the Inner Core subarea.
- (2) Commuter parking facilities, structured or planned to be structured.
- (3) Convention or exhibition facility.
- (4) Dog Park.
- (5) Stadiums and Arenas.
- (6) Storage, mini-warehouse, pursuant to Section 4-1111(F).

(C) The following uses are permitted by Special Exception in the Transit-Designed Supportive Area, unless otherwise excluded through an approved

Concept Development Plan, and, if approved, may be subject to certain conditions, pursuant to the provisions of Section 6-1300:

- (1) All uses permitted by Special Exception in the Outer Core subarea, except:
 - (a) Retail/Food and Beverage Sales – Ambulatory Vendors and Mobile Vending Carts.
 - (b) Urban Deck.
- (2) Automobile service station.
- (3) Bank or financial institution, with drive-through facilities.
- (4) Commuter parking facilities, structured or surface.
- (5) Convenience retail establishment with accessory gas pumps and/or car wash.
- (6) Pharmacy, with drive-through facilities.
- (7) Any one retail use in excess of 10,000 sq. ft.
- (8) Food store, ~~greater than~~ in excess of 75,000 sq. ft., pursuant to Section 5-661

Section 4-1350

PD-MUB Planned Development-Mixed Use Business District

4-1353

Permitted Uses. The following uses shall be permitted in any PD-MUB District subject to the requirements and limitations of these regulations.

(A) Employment Uses.

- (1) Offices, administrative, business or professional.
- (2) Research and development.

(B) Commercial Uses.

- (1) Banks or other financial institutions, without drive-throughs.
- (2) Health and fitness center.
- (3) Offices, medical and dental.
- (4) Child care center, pursuant to Section 5-609(B).
- (5) Adult day care center.
- (6) Business service establishment.
- (7) Hotel/motel, pursuant to Section 5-611.
- (8) Conference or training center.
- (9) Personal service establishments
- (10) Retail sales establishments, excluding drive-throughs, maximum 75,000 sq. ft.
- (11) Restaurants, including carry-out but excluding drive-throughs.
- (12) Restaurant, dinner theater.
- (13) Convenience food stores, pursuant to Section 5-617.
- (14) Banquet facility/Event facility.
- (15) Art gallery.
- (16) Theater, indoor.
- (17) Art Studio

(C) Residential Uses.

- (1) Dwellings, multifamily.
- (D) **Public, Civic, Institutional Uses.**
 - (1) Educational institution.
 - (2) Public use, excluding schools.
 - (3) Park, Neighborhood.
 - (4) Church, synagogue, temple or mosque.
 - (5) Community center.
 - (6) Cultural center.

(E) **Utility Uses.**

- (1) Water pumping station, pursuant to Section 5-621.
- (2) Sewer pumping station, pursuant to Section 5-621.

4-1354

Special Exception Uses. The following uses may be approved by the Board of Supervisors and may be subject to conditions pursuant to Section 6-1300.

(A) **Employment Uses.**

- (1) Flex-industrial uses, pursuant to Section 5-608.
- (2) Manufacturing, processing, fabrication and or assembly of products.
- (3) Wholesale Trade Establishment.

(B) **Commercial Uses.**

- (1) Medical facilities, outpatient only.
- (2) Commercial uses with drive-throughs, pursuant to Section 5-659.
- (3) Gas pumps accessory to a convenience store, pursuant to Section 5-617.
- (4) Automobile service station
- (5) ~~Retail sales establishment, greater than in excess of 75,000 sq. ft.; excluding drive throughs, pursuant to Section 5-661.~~

(C) **Residential Uses**

- (1) Dwellings, single family attached

(D) Public, Civic, Institutional Uses.

- (1) Heliport, helistop.**
- (2) Radio, radar or television tower.**
- (3) Hospitals, pursuant to Section 5-610.**
- (4) Continuing care facility.**
- (5) School.**
- (6) Outdoor amphitheater**

(E) Utility Uses.

- (1) Telecommunications uses and/or structures, pursuant to Section 5-618.**

5-661 **Large Retail Sales Establishment or Large Construction Retail Establishment.** A Retail sales establishment or Construction retail establishment in excess of 75,000 sq. ft. shall be permitted only by special exception pursuant to Section 6-1300 and are subject to the additional provisions below.

(A) **Locational Criteria.**

- (1) The use may be located within a freestanding building or be part of a shopping center, may share parking areas and vehicular travel ways with other buildings or uses and may be connected by walkways and access ways to other buildings or uses.
- (2) The use shall be located on, or with ready access to, collector or arterial roads.

(B) **Site Development Criteria.**

- (1) The use shall be compatible with and not adversely impact the surrounding area, particularly with regard to scale, massing, building design, traffic circulation, parking, and buffering.
- (2) Architectural detailing shall be incorporated into all facades so as to avoid a blank or monotonous appearance on any facade. Such detailing may include variations in roof lines, variations in building setbacks, landscaping and enhancements to all sides of a building.
- (3) The building shall be oriented toward the street with pedestrian entrances from the street.
- (4) Pedestrian and bicycle circulation shall be designed to coordinate on-site and off-site circulation.
- (5) Loading areas shall be sited in such a way so as to minimize the impact on any surrounding neighborhood and shall not be visible from the street.
- (6) All business, service, storage, and display of goods shall be conducted within a completely enclosed building, and all refuse shall be contained in completely enclosed facilities.
- (7) Outdoor seating, service, storage and display that is clearly subordinate to the principal use may be permitted provided the area is indicated on the special exception plat. Service, storage and display areas in excess of 250 square feet shall be fully screened using structures and material and design elements compatible with those used in the principal structure. Screening methods shall include solid fences, walls, berms, evergreen hedges or a combination thereof.

(C) **Exterior Lighting Standards.** Outdoor lighting shall be designed to minimize impacts on adjacent properties and shall comply with the standards of Section 5-1504.

- (D) Noise Standards. The use shall be designed to minimize noise from impacting on adjacent properties and shall comply with the standards of Section 5-1507.
- (E) Landscaping/Buffering/Screening. The use shall comply with the buffering standards of Section 5-1400. If an adjacent property is zoned for or developed as residential use, a minimum of a fifty (50) foot Type 3 buffer shall be required at the property line.
- (F) Parking.
- (1) Parking and loading shall be provided as required by Section 5-1102.
- (2) Parking shall be located behind the front line of the principal building.

ARTICLE 8, DEFINITIONS:

Food Store: A retail establishment primarily selling food, as well as other convenience and household goods. A Food Store shall not exceed in excess of 75,000 square feet shall require without Special Exception approval.

Retail, Construction Establishment: Buildings or land used for sale of construction materials at retail or for the rendering of construction services including, but not limited to, coal, wood, and lumber yards. A Construction retail sales establishment shall not exceed in excess of 75,000 square feet shall require without Special Exception approval.

Retail, Construction Establishment (Large). A Construction retail establishment exceeding in excess of 75,000 square feet and subject to Additional Regulations specified in Section 5-600.

Retail Sales Establishment: Buildings or land used for sale of merchandise at retail or for the rendering of personal services including, but not limited to, the following: pharmacy, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique store and gift shop, hardware store, quick print shop, household appliance store, furniture store, florist, music and radio store; but specifically excluding coal, wood and lumber yards. A Retail sales establishment shall not exceed in excess of 75,000 square feet shall require without Special Exception approval.

Retail Sales Establishment (Large). A Retail sales establishment exceeding in excess of 75,000 square feet and subject to Additional Regulations specified in Section 5-600.